

**IN THE UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

Bond Safeguard Insurance Company,)	
)	Case No. 3:11-cv-1129
Plaintiff,)	
)	Judge Nixon
v.)	Magistrate Judge Brown
)	
Gerald R. Roy, et al.,)	
)	
Defendants.)	

ENTRY OF DEFAULT IN PART

Pending is Plaintiff's Application for Default against all Defendants (Docket Entry No. 14), Plaintiff's Application as to Defendants Gerald R. Roy, the Living Trust of Gerald R. Roy and Amber Vanloh as Trustee of the Living Trust of Gerald Robert Roy is denied. The Clerk cannot find that service has been obtained on these Defendants. Service was attempted at what Plaintiff states in its Complaint is the business address of Roy's Construction, Inc. and Roy's Development, LLC. Service by certified mail at a business address is not a valid method of service unless a person authorized to receive service accepts service. The Clerk can find no information on the record that indicates the person who signed the return receipt card is authorized to accept service on behalf of Gerald R. Roy, the Living Trust of Gerald R. Roy or Amber Vanloh as the Trustee of the Living Trust of Gerald R. Roy.

The Clerk does find that valid service has been performed upon Defendants Roy's Construction, Inc., and Roy's Development, LLC, as it appears to the Clerk that the individual who

signed the certified mail receipts does have actual or implied authority to accept service on behalf of those business entities. Neither of these two Defendants has responded within the time frame allowed by law and the entry of default against them is therefore appropriate.

Accordingly, Default is Hereby Entered against Defendants Roy's Construction, Inc., and Roy's Development, LLC.

s/ *Keith Throckmorton*

Keith Throckmorton
Clerk of Court